

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LLOYD GEORGE MAXWELL,)	CASE NO. 4:07 CV 2796
)	
Plaintiff,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
UNITED STATES, <u>et al.</u> ,)	<u>AND ORDER</u>
)	
Defendants.)	

On September 19, 2007, pro se plaintiff Lloyd George Maxwell filed this action against the United States and the Federal Bureau of Prisons alleging that he has not received regular preventative screenings for colon cancer. He also filed an Application to Proceed In Forma Pauperis. For the reasons stated below, the Application is denied and this action is dismissed without prejudice.

The Prison Litigation Reform Act of 1995, Pub. L. No. 104-40, § 1(a), 110 Stat. 1327 (1996) amended 28 U.S.C. § 1915. Among the changes to the statute is a provision which prevents a prisoner from bringing a civil action or appealing a judgment in a civil action in forma pauperis if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).

Mr. Maxwell has on at least three occasions filed a civil action failing to state a claim in this court. See Maxwell v. United States, Case No. 4:07 CV 2472 (N.D. Ohio filed Aug. 15, 2007); Maxwell v. United States, Case No. 4:07 CV 2851 (N.D. Ohio filed Sept. 20, 2007); Maxwell v. United States Dept. of Justice, Case No. 4:05 CV 974 (N.D. Ohio filed April 14, 2005); Maxwell v. Lamanna, Case No. 4:01 CV 2879 (N.D. Ohio filed Dec. 21, 2001). As there are no allegations in the instant action suggesting Mr. Maxwell is in imminent danger of serious physical injury, he may not proceed in forma pauperis in this action.

Accordingly, this action is dismissed without prejudice. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/Peter C. Economus - 11/28/07
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE